

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

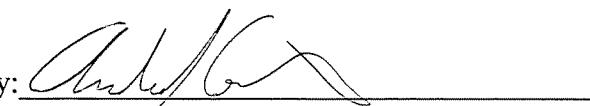
MISTER SOFTEE INC.	:	
Plaintiff,	:	
v.	:	
KOOL KAT TREATS, LLC	:	CIVIL ACTION NO.
d/b/a MR. FROSTEE et al.	:	CV 05-4111 (BMC)(ETB)
Defendants.	:	
	:	

NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE

Pursuant to Fed. R.Civ.P. 41(a)(1), plaintiff dismisses this action with prejudice as against the following defendants ONLY: John Luke, Inc. and S. Konstantikakos.

HARGRAVES McCONNELL & COSTIGAN, P.C.

By:


Andrew J. Costigan (3761)
The Graybar Building
420 Lexington Avenue
New York, New York 10170
Telephone: (212) 218-8765

Of Counsel: Jeffrey Zucker
David J. Allsman
FISHER ZUCKER LLC
121 South Broad Street, Suite 1200
Philadelphia, PA 19107
(215) 545-5200
Attorneys for Plaintiff Mister Softee, Inc.

Dated: January 22, 2007

CERTIFICATE OF SERVICE

I, Andrew J. Costigan, certify that I have this day caused a true and correct copy of the below described pleading or motion to be served upon opposing the parties at the address listed below:

Pleading or Motion served: Plaintiff's Notice of Voluntary Dismissal as to Defendants John Luke, Inc. and S. Konstantakakos.

Defendants: JOHN LUKE, INC.
26 20 23rd Avenue
Astoria, NY 11105

S. KONSTANTAKAKOS
40 Berry Hill Lane
Bethpage, NY 11714

Mode of Service: Via first class mail



Andrew J. Costigan

Date: January 22, 2007